

Rezoning Review Briefing Report – RR-2024-8

The planning proposal seeks to amend the Sutherland Shire Local Environmental Plan (LEP) 2015 to increase the height of building and floors space ratio controls at 544-550 Box Road, Jannali (44 dwellings).

Element	Description
Date of request	24 May 2024
Department ref. no	RR-2024-8 (PP-2023-2683)
LGA	Sutherland Shire
LEP to be amended	Sutherland Shire LEP 2015
Address	544-550 Box Road, Jannali
Reason for review	<div><input type="checkbox"/> Council notified the proponent it will not support the proposed amendment</div> <div><input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support</div>
Has council nominated PPA role	No
Consultation	None undertaken to date.
Brief overview of the timeframe/progress of the planning proposal	<p>7 December 2023: Planning proposal (PP-2023-2683) lodged with council.</p> <p>19 December 2023: Council requested additional information.</p> <p>6 February 2024: Proponent provided additional information.</p> <p>7 March 2024: Planning proposal considered by the Sutherland Shire Design Review Panel.</p> <p>2 April 2024: Planning proposal considered by the Sutherland Shire Local Planning Panel.</p> <p>24 May 2024: Rezoning review request (RR-2024-8) was lodged with the Department of Planning, Housing, and Infrastructure (the Department) by the Proponent.</p> <p>28 June 2024: Council officers submitted a response to the rezoning review request.</p> <p>1 July 2024: Planning proposal considered by Council's Planning and Growth Committee.</p>
Department contact:	Kimberley Beencke – Senior Planning Officer, Planning Proposal Authority

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	1,184m ²
Site Description	<p>The site at 544-550 Box Road, Jannali (Lot 2 DP 209152 and Lot 2 DP 202711) is currently occupied by two commercial buildings, ranging in height from one to two storeys.</p> <p>The site is located 20km south-west of the Sydney CBD and approximately 150m east of Jannali Station. The site is bound by Box Road to the north, Roberts Street to the east and Leopold Lane to the south. The site adjoins existing one to two storey commercial/mixed-use developments to the west.</p>
Proposal summary	<p>The planning proposal seeks to amend the Sutherland Shire LEP 2015 on the site to:</p> <ul style="list-style-type: none"> • increase the maximum Height of Building (HOB) from 20m to 30m; • increase the maximum Floor Space Ratio (FSR) from 2:1 to 3.8:1; and • insert a local provision requiring a minimum of 0.6:1 of the total FSR to be used for retail/business (including amenities and facilities). <p>The objective of the proposed amendments is to enable an eight storey shop-top housing development with four levels of basement car parking.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> • Greater Sydney Region Plan: A Metropolis of Three Cities • South District Plan • Sutherland Shire Local Strategic Planning Statement (LSPS) • Sutherland Shire Housing Strategy 2031 • Draft Sutherland Shire Local Housing Strategy 2041 • Sutherland Shire Community Strategic Plan 2032 • Future Transport Strategy: Our Vision for Transport in NSW • Housing 2041: NSW Housing Strategy • State Environmental Planning Policies (SEPP) <ul style="list-style-type: none"> ○ SEPP (Housing) 2021 ○ SEPP No. 65 – Design Quality of Residential Apartment Development ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Biodiversity and Conservation) 2021 • 9.1 Ministerial Directions <ul style="list-style-type: none"> ○ 1.1 Business and Industrial Uses

Rezoning Review – Briefing Report

PP-2023-2683 (RR-2024-8)

Element	Description
	<ul style="list-style-type: none"> 3.4 Integrated Land Use and Transport 5.1 Implementation of Regional Strategies 5.10 Implementation of Regional Plans 6.1 Approval and Referral Requirements 7.1 Implementation of A Plan for Growing Sydney



Figure 1. The site – highlighted red (source: SixMaps July 2024)



Figure 2. Location plan – the site highlighted red (source: SixMaps July 2024)

The planning proposal seeks to amend the Sutherland Shire LEP 2015 per the changes below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	E1 – Local Centre zone.	E1 – Local Centre zone.
Maximum height of the building	20m	30m
Floor space ratio	2:1	3.8:1
Local Clause	N/A	Minimum 0.6:1 of the total FSR for retail/business use (including amenities and facilities)
Number of dwellings	0	44

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.



Figure 3. Current zoning map – the site highlighted yellow (source: Planning Proposal October 2023)

Rezoning Review – Briefing Report

PP-2023-2683 (RR-2024-8)

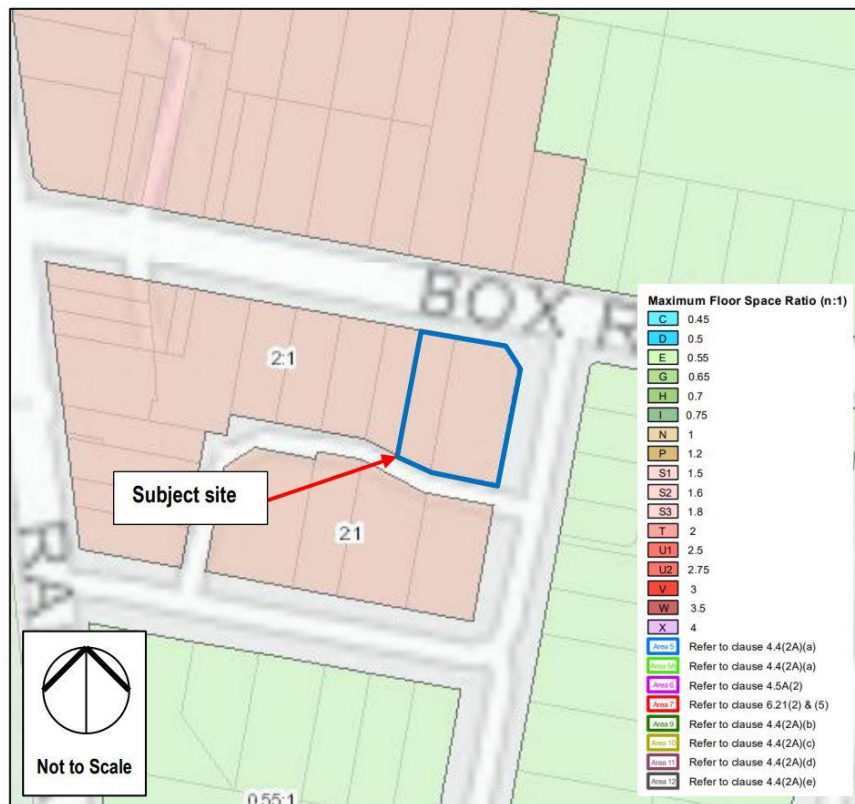


Figure 4. Current FSR (source: Planning Proposal October 2023)

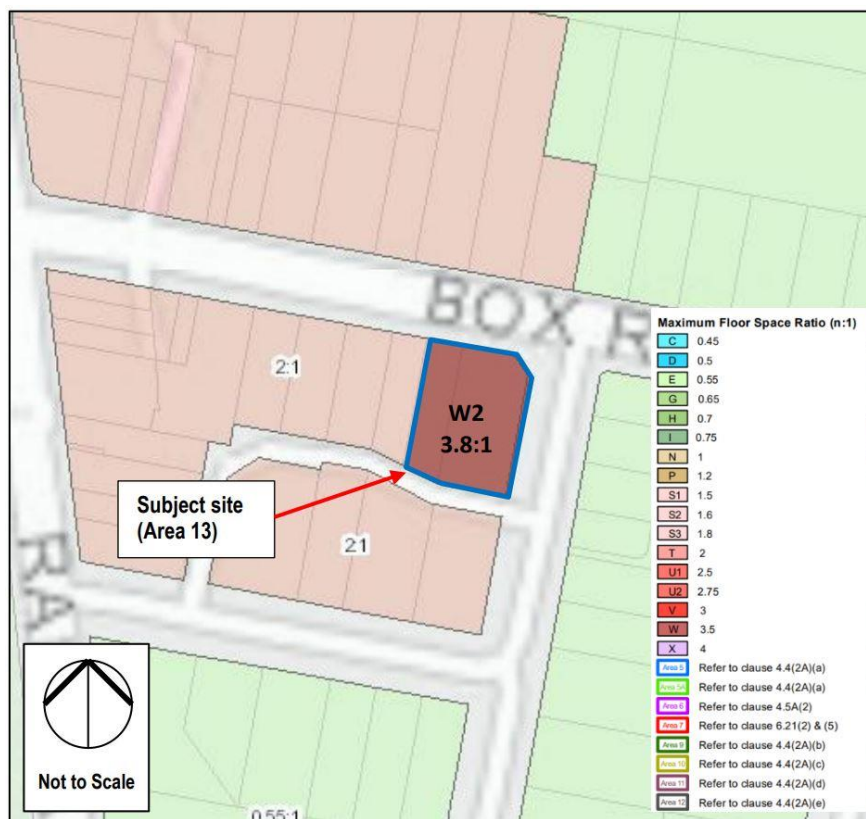


Figure 5. Proposed FSR (source: Planning Proposal October 2023)

Rezoning Review – Briefing Report

PP-2023-2683 (RR-2024-8)

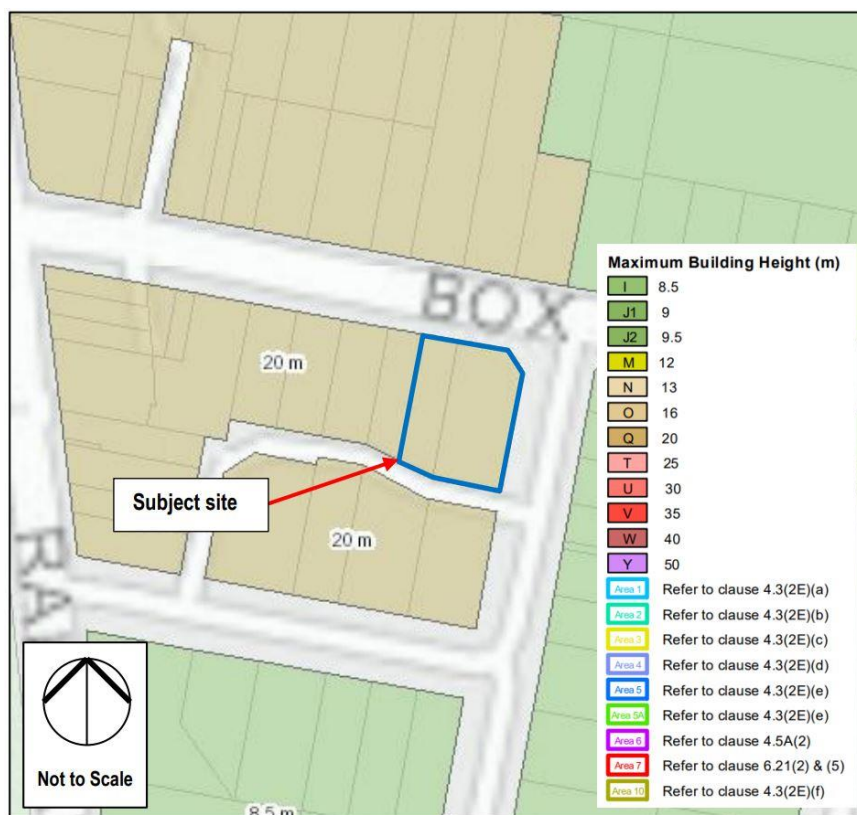


Figure 6. Current Height (source: Planning Proposal October 2023)

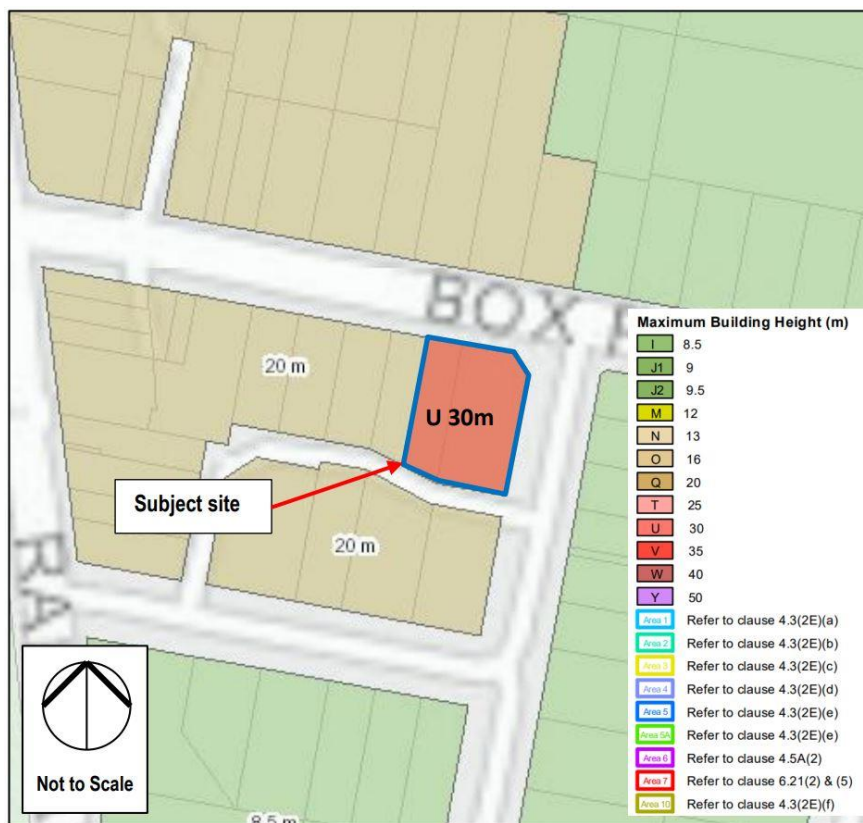


Figure 7. Proposed Height (source: Planning Proposal October 2023)

Key Issues

Issue no. 1 Strategic merit

Council view

- Whilst the planning proposal is consistent with the planning priorities of the Greater Sydney Region Plan and South District Plan in terms of transport and new housing, Jannali itself is only a local centre that has not been identified for growth under Council's Local Strategic Planning Statement (LSPS).
- There is some merit in enabling more housing in the Jannali centre, the proposed scale is incompatible with current and planned local character for the site.

Proponent view

The proposal demonstrates strategic merit by aligning with the following strategies:

- Greater Sydney Region Plan and South District Plan – the proposal is consistent as it will make a positive contribution to the local centre. The site is located within the Jannali town centre and walking distance to rail and bus connections, helping to realise a 30-minute city. The planning proposal would deliver diverse housing and increase employment in a connected area.
- Sutherland Shire LSPS – the proposal is consistent with the intent of the LSPS as it will provide opportunity to address the centres residential capacity. The proposal would deliver housing near public transport, open space and community facilities. The proposal would ensure a more vibrant, active and economically robust town centre.
- Sutherland Shire Local Housing Strategy – the proposal is consistent as it address the need for increased housing choice and diversity. The strategy identifies the need for an additional 10,100 dwellings in the Sutherland Shire, with 80% of these dwellings to be located in centres. The proposal would deliver housing in an established residential and commercial area.
- Draft Sutherland Shire Local Housing Strategy 2041 - The proposal is consistent as it will enable the delivery of additional housing close to transport and on at site not constrained by bushfire risk or other issues. The proposal also aligns with the LHS intent to create capacity for new apartments through changes to zones or changes to height and floorspace.
- Sutherland Community Strategic Plan 2032 – the proposal is consistent as it seeks to enable the redevelopment of a site to address the housing needs of the local area. The proposal will support the forecasted growth in the area, catering for a mix of population types with varying incomes.

The site's strategic characteristics make it eminently suitable for urban renewal. The technical reports which accompany the planning proposal support the increase in building height and FSR for the site and demonstrate strong evidence for future development. The planning proposal responds positively to the key actions, priorities and objectives of the relevant strategic planning policies.

Issue no. 2 Site-specific merit

Council view

- The site is located on the highest point in the Jannali town centre and therefore the proposed height would be of an unprecedented scale. Given its location, the visual prominence will make suitable transitions to surrounding land uses difficult. The adjacent R2 Low Density Residential zone allows a maximum height of 8.5m and FSR

of 0.55:1. This lack of transition was also noted by the Sutherland Shire Design Review Panel.

- The proposal seeks controls equal to and greater than the current controls for strategic centres (Sutherland and Miranda) within the LGA.
- Recent development north of the site, comprising of residential flats and a hotel at (FSR 2:1, height 23/24 metres), and to the west, across the railway line, in Mitchell Ave, also for residential flats (FSR 1.2: and height 16 metres) were at a scale comparable to the height of large scale canopy trees in the locality.
- Overshadowing would significantly impact the existing single dwelling residents in the R2 zone.
- Site environmental constraints could include contamination and acid sulfate soils, as surrounding lots are affected.
- The proposal lacks a strategic planning context and will have immediate impacts in the adjoining area in terms of bulk and scale, visual intrusion, privacy and amenity.

Proponent view

- The proposal would increase the retail/business space available and contribute 44 apartments at a site located within the Jannali Town Centre that is well-served by public transport and retail services.
- The Traffic Report states that traffic generated by the development is minimal and would not adversely impact the performance of nearby intersections or the existing road network.
- The proposal achieves the objectives of the E1 Local Centre Zone by promoting a development that will revitalise the Jannali Town Centre.
- As the site is located within an established residential area, Council has not identified it as having any ecological significance.
- The area is experiencing a significant increase in the height, bulk and scale of proposed and approved built forms. These cater for growth and contribute to the future character of a desirable and convenient location.
- Carefully designed built form to maintain adequate solar access to the public domain and adjoining development.
- The planning proposal is unlikely to have any heritage implications as the subject site is not a heritage item and is not located within a Heritage Conservation Area. The heritage items to the west at Mitchell Avenue are situated 170 to 200 metres from the subject site and their heritage significance is unlikely to be affected.
- The planning proposal will enable redevelopment of the site at a scale which achieves an appropriate economic return for the site.

Issue no. 3 Bulk and Scale

Council view

- The proposal only partly complies with the Apartment Design Guide. It appears privacy, building separation and communal open space requirements have not been met. This is due to the site being relatively small with a significant amount of floor space proposed within the proposed 30m building height.
- The design produces a 'squat' building with little regard and relationship to the adjoining sites. Buildings in centres with high floor space ratios generally require a 'wall' building that would connect to a future adjacent building.

Proponent view

- The proposed development accompanying the proposal is only a concept. Any future DA for a development on the site would provide more fulsome detail to address bulk and scale, and ensure compliance with the Apartment Design Guide.
- The building can be designed to maintain adequate solar access to the public domain and adjoining developments.
- It is noted that there is a recent planning proposal for 42A Railway Crescent Jannali for commuter car parking, which will form part of an integrated mixed-use development. There are also development approvals for multi-storey residential flat buildings at Nos. 11-15 Mitchell Avenue, 17-23 Mitchell Avenue, and 34-38 Railway Crescent. These developments demonstrate that Jannali is evolving into a more densely populated area, with the character evolving from freestanding single dwellings to higher-density residential development.

Attachments

Attachment A – Planning Proposal (October 2023)

Attachment A1 – Feasibility Study (January 2024)

Attachment A2 – Economic Benefit Analysis (May 2021)

Attachment A3 – Information for Planning Proposal (October 2023)

Attachment A4 – Traffic and Parking Impact Assessment (January 2024)

Attachment A5 – Survey Report (November 2024)

Attachment A6 – Preliminary Site Investigation (February 2024)

Attachment A7 – E-data Disclaimer

Attachment A8 – Jannali Station Precinct Accessibility Upgrade – Traffic, Transport and Access Impact Assessment (April 2015)

Attachment A9 – Jannali Station Patronage (December 2023)

Attachment A10 – Email Sutherland Shire Local Planning Panel Meeting correspondence (April 2024)

Attachment A11 – Proposed Building Render – Robert St Elevation

Attachment A12 – Proposed Building Render – Box Road/Robert St Elevation

Attachment A13 – Sketch Up Model Image

Attachment B – Applicant Written Justification Letter (May 2024)

Attachment C – Council letter (June 2024)

Attachment C1 – Council report for Planning and Growth Committee 1 July 2024

Rezoning Review – Briefing Report

PP-2023-2683 (RR-2024-8)



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15/07/2024

Douglas Cunningham

Manager, Planning Proposal Authority

A handwritten signature in black ink, appearing to be "A. Galea", written over a light blue grid background.

17/07/2024

Alexander Galea

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